from the State of Missouri into the State of Nebraska, of a quantity of Snare's Re-Lef that was misbranded.

Analysis showed that the article consisted essentially of volatile oils including mustard oil, methyl salicylate, menthol, and a camphoraceous oil, incorporated in a petrolatum base.

Misbranding was alleged in that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing in the labeling, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for pneumonia; effective as a treatment and relief for sinus trouble, catarrh, asthma, flu, rheumatism, piles, cuts, swelling, open sores, appendicitis, and pleurisy; effective to kill germs and infection, to stop inflammation, and to aid "Nature to recovery;" effective as a treatment for anything that causes pain on man or beast; and effective for the relief of throat and lung trouble.

On December 4, 1939, the defendant entered a plea of guilty and the court imposed a fine of $25.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30958. Adulteration and misbranding of paregoric and Bateman's Drops. U. S. v. Harry B. McNeal (Kent Drug Co.). Plea of guilty. Fine, $40 and costs. (F. & D. No. 42735. Sample Nos. 34685–D, 35011–D.)

The paregoric contained a smaller amount of morphia than that declared on its label and was short of the declared volume. Bateman's Drops contained a smaller amount of laudanum than that declared on the label.

On September 18, 1939, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harry B. McNeal, trading as the Kent Drug Co., Baltimore, Md., alleging shipment by said defendant in violation of the Food and Drugs Act, within the period from on or about August 19, 1938, to on or about January 25, 1939, of quantities of paregoric and Bateman's Drops that were adulterated and misbranded. The articles were labeled in part: "McNeal's Standard * * * Uniform Brand Paregoric"; and "Bateman's Pectoral Drops."

The paregoric was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold since each fluid ounce of the article was represented to contain ¼ grain of morphia; whereas each fluid ounce contained less than the amount represented, namely, not more than 0.18 grain of morphia. It was alleged to be misbranded in that the statements on the label, "Morphia ¼ gr. to fl. oz." and "Each Fluid Ounce Contains ¼ gr. Morphia—Contains 6 fld. drams or over," were false and misleading, since it contained less than ¼ grain of morphia per fluid ounce and the bottles contained less than 6 fluid drams of the said article.

Bateman's Drops were alleged to be adulterated in that their strength fell below the professed standard and quality under which they were sold in that each fluid ounce was represented to contain 20 minims of laudanum; whereas each fluid ounce contained less than the amount represented, namely, not more than 13.1 minims of laudanum. Misbranding was alleged in that the statements, "Each Fluidounce represents Gran. Opium 1⅘ grs." and "Each Fluidounce contains 20 Minims Laudanum," appearing in the label, were false and misleading, since the said article contained less than 20 minims of laudanum per fluid ounce and each fluid ounce of said article represented less than 1⅘ grains, namely, not more than 1.18 grains of granulated opium.

On November 9, 1939, a plea of guilty was entered by the defendant and the court imposed a fine of $40 and costs.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30959. Misbranding of X-Ode. U. S. v. 330 Packages, 1,650 Cans, and 167 Drums of X-Ode. Decrees of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. No. 45523. Sample No. 48404–D.)

The labeling of certain packages of this product bore false and fraudulent curative and therapeutic claims.

On June 26, 1939, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 2-ounce packages, 250 5-ounce packages, 1,650 1-pound cans, 89 5-pound drums, 77 10-pound drums, and 1 50-

pound drum of X-Ode at St. Paul, Minn.; alleging that the article had been shipped within the period from on or about July 26, 1937, to on or about March 11, 1938, by Products, Inc., from Columbus, Ohio; and charging misbranding within the meaning of the Food and Drugs Act as amended.

Analysis showed that the article consisted of sodium carbonate (99.15 percent) and potassium permanganate (0.85 percent).

The article contained in the 2-ounce and 5-ounce packages was alleged to be misbranded in that the following statement on the package regarding its curative or therapeutic effect was false and fraudulent: "Use for treating skin infections."

It was also alleged to be misbranded under the Insecticide Act of 1910, as reported in notice of judgment No. 1723 published under that act.

On November 10, 1939, the X-Products Co. St. Paul, Minn., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released to the claimant under bond for relabeling.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30960. Misbranding of Agalax, adulteration and alleged misbranding of Kayan, and alleged misbranding of Seedol Kelpamalt. U. S. v. Associated Laboratories, Inc., Louis A. Tuvin, Julius H. Tuvin, and John M. Bair. Pleas of guilty. Total fines, $750, i. e., Associated Laboratories, Inc., $300; Louis A. Tuvin, $300; Julius H. Tuvin, $75; and John M. Bair, $75. (F. & D. No. 39722. Sample Nos. 3093–C, 3101–C.)

The Agalax was misbranded because it was falsely represented to be a mixture of natural products which included no drug or medicine; whereas it contained, among other ingredients, phenolphthalein, a coal-tar drug. The Kayan was represented to consist of granulated powder from the sap of an Asiatic tree; whereas its principal active ingredient was phenolphthalein. The Kayan and Seedol Kelpamalt were enclosed in a cardboard box called a "deal," which contained seven cartons each carton containing a package of Kayan and a package of Kelpamalt. Strewn in the bottom of the "deal" were a booklet, circular, and leaflet which contained representations regarding the curative and therapeutic properties of both products.

On March 20, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the above-named defendants, alleging shipment by them in violation of the Food and Drugs Act on or about March 21 and July 25, 1936, from the State of New York into the State of California, of a quantity of Agalax which was misbranded, a quantity of Kayan which was adulterated and was also alleged to be misbranded, and a quantity of Seedol Kelpamalt which also was alleged to be misbranded. The articles were labeled in part, variously: "Agalax A Natural Laxative * * * The Agalax Company, New York, N. Y."; "Seedol Kelpamalt Tablets * * * Prepared by The Kelpamalt Co."; and "Kayan The Modern Laxative Method * * * Kayan Company * * * New York, N. Y."

Analysis of the Agalax showed that it consisted essentially of Plantago (psyllium) seeds and small brown masses, the latter containing sugar, starch, dextrin, and phenolphthalein (0.13 grain per teaspoonful).

The Agalax was alleged to be misbranded in that certain statements appearing in the labeling represented that it was a mixture consisting exclusively of purely natural products and containing no drug or medicine, and that it was a food; whereas it was a mixture of Plantago seeds (psyllium), agar, sugar, starch, dextrin, and phenolphthalein, and was not a food but a drug. It was alleged to be misbranded further in that the following statements on the can label regarding its curative and therapeutic effects were false and fraudulent, since it was not capable of producing a curative and therapeutic effect in the diseases, disorders, or conditions mentioned therein: "Agalax is ideally adapted for the successful treatment of Chronic Constipation—Bowel Sluggishness—Auto Intoxication and all conditions requiring peristaltic stimulant of dependable action. Agalax has been found highly beneficial in cases of Hemorrhoids (Piles) and painful defecation, * * * Agalax * * * promotes regular and easy stool habits * * * it insures regular bowel action. Note: Agalax is not a cathartic or purgative. It works gradually by promoting normal bowel action. Persons accustomed to habitual use of cathartics may increase the dosage of Agalax above indicated to four teaspoonsful twice daily for the first three or four days."